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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,003	08/29/2001	Nobuko Yamamoto	B588-023	9023

26272 7590 04/21/2006

COWAN LIEBOWITZ & LATMAN P.C.  
JOHN J TORRENTE  
1133 AVE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. This communication is in response to the applicant's amendment filed March 31, 2005. Claims 1, 11, 21, 25, 37, 38, 39, 51, 52, 53, 57, 58 and 59 have been amended. Claim 61 is newly added. Claims 1-61 are pending in this case.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on July 5, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black (US 6,307,956B1) in view of Yguerabide et al (US 6,586,193).

6. Black discloses an identity verification system, method, and apparatus that employ biometric technology for identity verification (e.g. col 4 ln 18-28). The biometric properties employed include, but are not limited to DNA (e.g. col 4 ln 30-40). Said system, method and apparatus make a "match" or "no match" decision and issues and

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certify or do not certify the user. (e.g. col 4 ln 55-65). Further, Black discloses recording and storing the layout information as either digital or magnetic information (e.g. col 4 ln 20-30). Further, Black discloses the use of cell capture/analysis sensors for use in identifying DNA (e.g. col 7 ln 50-60).

7. Although Black does not specifically reference recording the DNA layout information by arranging probe layouts in row and column directions, it would be obvious to one of ordinary skill in the art that array of immobilized single-stranded DNA (ssDNA) could be arrayed as rows and columns or any other logical manner (e.g. col 25 ln 25-35).

8. Further, Yguerabide does disclose reacting a DNA array in which a plurality of DNA probes corresponding to plural kinds of genes are arranged in a predetermined order, with a gene obtained from a given person (e.g. col 11 ln 30-50). Such an arrangement can obviously be used in conjunction or in combination with Black by one of ordinary skill in the art in order to issue an authentication certificate using, *inter alia*, a hybridization pattern.

9. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

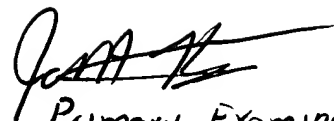
***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Selinfreund (US 6,458,595) discloses automatic fingerprint methods and chemistry for product authentication and monitoring.
12. Black (US 6,539,101) discloses a method for identity verification.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.
14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Primary Examiner  
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